

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FRANCES TRIPLETT as surviving)	
spouse of CHRISTOPHER SCOTT)	
TRIPLETT and personal)	
representative/executrix of the Estate of C.)	
SCOTT TRIPLETT, deceased)	
)	
Plaintiff)	Case No. 2:22-cv-2384
)	
v.)	JURY DEMANDED
)	
FRANCES CALICO, MARQUITA)	
HOBBS, individually and d/b/a)	
SLINGSHOTS OF MEMPHIS,)	
SLINGSHOTS OF MEMPHIS, and)	
CITY OF MEMPHIS, TENNESSEE)	
)	
Defendants)	

DEFENDANT CITY OF MEMPHIS’S NOTICE OF REMOVAL

Please take notice that pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446, Defendant CITY OF MEMPHIS (“the City”) hereby removes this civil action from the Circuit Court of Shelby County, where it is currently pending as Case No. CT-3807-21. In support thereof, the City respectfully submits as follows:

1. On September 21, 2021, Plaintiff commenced an action styled *Frances Triplett as surviving spouse of Christopher Scott Triplett and personal representative/executrix of the Estate of C. Scott Triplett, deceased*, Case No. CT-3807-21, in the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis (“the Action”). A true and correct copy of the Complaint in the Action is attached as **Exhibit A**.

2. Approximately eight months later, on May 18, 2022, Plaintiff was granted leave of court to file an Amended Complaint which, among other things, added Marquita Hobbs, Slingshots of Memphis, and the City of Memphis as defendants to the action.¹

3. On May 19, 2022, Plaintiff filed her Amended Complaint which is the operative complaint. A true and correct copy of the Amended Complaint in the Action is attached as **Exhibit B**.

4. On May 24, 2022, the City was served with process. Three days later, the other newly added defendants Marquita Hobbs and Slingshots of Memphis were served with process. A true and correct copy of the Returns of Service are attached hereto as **Composite Exhibit C**.

5. The Amended Complaint alleges a claim under 42 U.S.C. § 1983 against the City for the purported violation of the decedent's constitutional rights. *See* Amended Complaint at ¶¶ 46-64. Therefore, the Action is a civil action that has become removable under 28 U.S.C. § 1446(b)(3) ("if the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable").

6. Specifically, this Court has subject matter jurisdiction under 28 U.S.C. § 1331 because the claim against the City arises under federal law. *See* 28 U.S.C. § 1331 ("The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.").

7. This Court also has supplemental jurisdiction over the claims in this action that arise under the laws of the State of Tennessee pursuant to 28 U.S.C. § 1367(a) because the state

¹ Plaintiff named Slingshots of Memphis *both* as an assumed name or "doing business as" name of Marquita Hobbs *and* as a separate defendant; however, it is not entirely evident that Slingshots of Memphis is a legal entity.

law claims are so related to the federal claim that they form part of the same case or controversy and derive from a common nucleus of operative facts.

8. This action is properly removed to the United States District Court for the Western District of Tennessee, Western Division, which is “the district and division embracing the place where [the] action is pending.” 28 U.S.C. § 1441(a); 28 U.S.C. § 123(c)(2) (listing Shelby County as falling within the Western Division of the Western District of Tennessee).

9. The City is authorized to state that all defendants join in and consent to the removal of the Action. *See* 28 U.S.C. § 1446(b)(2)(a).

10. Pursuant to 28 U.S.C. § 1446(d), promptly after the filing of this notice of removal the City will give written notice thereof to all adverse parties and will file a copy of the notice with the Clerk of the Circuit Court of Shelby County, Tennessee.

11. Additionally, true and correct copies of the two orders issued by the state trial court prior to removal of this action are attached as **Composite Exhibit D**.

Respectfully submitted,

LEWIS THOMASON, P.C.

s/ Isaac S. Lew
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Counsel for Defendant City of Memphis

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by email on June 15, 2022, to all parties on the service list below.

s/ Isaac S. Lew

Isaac S. Lew

Service List

<p>Jeffrey S. Rosenblum, Esq. jeffr@randrfirm.com Matthew T. May, Esq. matt@randrfirm.com ROSENBLUM & REISMAN, P.C. 6070 Poplar Ave., Suite 550 Memphis, TN 38119</p> <p><i>Counsel for Plaintiff</i></p> <p>Forrest R. Jenkins, Esq. jenkinf1@nationwide.com Law Office of Craig J. Lazarov 5350 Poplar Ave., Suite 306 Memphis, TN 38119</p> <p><i>Counsel for Defendant Frances Calico</i></p>	<p>Sarah Pazar Williams, Esq. spwilliams@hallboothsmith.com HALL BOOTH SMITH, P.C. 40 S. Main St., Suite 2800 Memphis, TN 38103</p> <p><i>Counsel for Defendants Marquita Hobbs and Slingshots of Memphis</i></p>
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